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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/061,833 04/16/98 BOSSEMEYER

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LM02/0718

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EXAMINER

ESCALANTE, O

ART UNIT

PAPER NUMBER

2746

DATE MAILED:

07/18/00

*7*

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No.

09/061,833

Applicant(s)

BOSSEMEYER ET AL.

Examiner

Ovidio Escalante

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 April 1998.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 11-21 and 31-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 22-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 1998 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U. S.C. 121:
  - I. Claims 1 -10 and 22-30, drawn to a wireless local loop connection, classified in class 455, subclass 5.1.
  - II. Claims 11-16 and 31-37, drawn to speech recognition, classified in class 379, subclass 88.01+.
  - III. Claims 17-21, drawn to telephonic conferencing and service, classified in class 379, subclass 202. The inventions are distinct, each from the other because of the following reasons:
2. Inventions I - III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as speech recognition, which can be used in a land line or wireless embodiment, or in telephonic service with or without conferencing. Invention I can be used with a regular telephone with or without speech recognition and with or without telephonic conferencing. It is clear that invention II can be used separately from invention I in providing speech recognition to verify the speaker without the use of invention I. See MPEP § 806.05(d).
3. During a telephone conversation with Kent E. Genin on July 5, 2000 a provisional election was made with traverse to prosecute the invention of Group I, claims 1 - 10 and 22 - 30. Affirmation of this election must be made by applicant in replying to this Office action.

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Claims 11 - 21 and 31 - 37 are withdrawn from further consideration by the examiner, 37

CFR 1.142(b), as being drawn to a non-elected invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### *Specification*

5. The disclosure is objected to because of the following informalities: There is no summary included in the disclosure.

On page 7 line 3, "processor 50" presumably should be changed to "processor 56".

On page 9 line 24, "voice processing system 84" presumably should be changed to "voice processing system 74".

On page 10 line 21, "100 - 106" should presumably be changed to "100, 102, 104 and 106", since the drawing does not include 101, 103 and 105. The indicated "100 - 106", indicates a range of numbers which will include all numbers between and including the specified numbers.

On page 12 line 12 "different time slots ( $T_0, T_1, \dots, T_{24}$ ). " is not shown in Figure 8.

Appropriate correction is required.

### *Drawings*

6. The drawings are objected to because Figure 14 and 15 are not labeled. Correction is required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8. Claim 22 is rejected under 35 U.S.C. 102(e) as being anticipated by Fedorov et al. (Patent No. 6,047,060). Fedorov discloses of a switch connected to an internal and external line (see Figure 2 and column 7 lines 56 - 68, column 8 lines 1 - 7). Information on the caller is transmitted from the processor, which is connected to the switch, to the caller identification system (see column 5 lines 56 - 67).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 1, 5 - 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizikovsky Patent No. (5,559,860) in view of Rahikainen (Patent No. 6,085,080).

Regarding claim 1, Mizikovsky teaches of a voice processing system for selectively answering incoming calls based upon the users stored telephone list wherein see the abstract and Figure 1 and 2. Mizikovsky uses a transceiver but he fails to teach of using the transceiver for

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purposes of establishing a wireless local loop connection as the applicant claimed. Rahikainen discloses of a wireless local loop connection coupled to a transceiver wherein see the abstract. Rahikainen also discloses of using a speech recognition function and a speech synthesis function. The system screens in calls base on a plurality of lists. The system contains a caller identification system since it is able to compare the incoming call with stored numbers. The system then routes the call to the specified option, wherein see the abstract. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mizikovsky's system by establishing a wireless local loop connection of Rahikainen so that an inexpensive connection can be made.

Regarding claim 5, Mizikovsky teaches of the claimed use of a voice bridge, which is shown in Figure 1. The voice mail system is connected to an audio and data processor transmitter.

Regarding claim 6, Mizikovsky teaches of a caller ID system is capable of redirecting incoming calls to the users predetermine list (see column 2 lines 18 - 41).

Regarding claim 8, Mizikovsky teaches of an apparatus for selectively answering incoming calls based upon the users stored telephone list wherein see the abstract and Figure 1 and 2.

11. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mizikovsky in view of Rahikainen and further in view of Shen (Patent No. 5,812,649). Mizikovsky discloses of a caller ID process coupled to a transceiver wherein see Figure 1. Mizikovsky and Rahikainen as applied on claim 1 above, fail to teach of posting a message when an incoming call arrives when there is an existing call. Shen discloses of posting a caller name on the display when the user is

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on the line wherein see the abstract and summary. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mizikovsky's system in view of Rahikainen as suggested above, and further modify using the call waiting identification system of Shen so that a user can receive an incoming caller identification when the user is currently on the phone.

12. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizikovsky in view of Rahikainen, and further in view of Shen, and further in view of Herrero Garcia et al. (Patent No. 5,479,491). Mizikovsky, Rahikainen and Shen as applied to claim 2 above, fail to teach of playing options to the caller. Herrero Garcia discloses of a system that detects an incoming call and plays a plurality of options to the caller. In order for Herrero Garcia's system to operate as claimed a speech synthesizer needs to be in the system. The speech synthesizer takes the caller's voice and switches the call to the callers specified option (see Figure 1 and column 6 lines 17 - 68, column 7 lines 1 - 14). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mizikovsky's system in view of Rahikainen and Shen as stated above, and further modify by using the method of playing a plurality of option's as claimed by Herrero Garcia so that a caller can get a plurality of options to choose from when calling the system.

13. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mizikovsky in view of Rahikainen and further in view of Laborde (Patent No. 5,689,568). Mizikovsky and Rahikainen as applied to claim 6 above, fail to teach the use of a smart card interface coupled to a controller. Laborde discloses a smart card that is included in a controller. The interface allows data entry by the user. The system is routed to a transceiver wherein (see Figure 2 and column 5

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lines 16 - 26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mizikovsky's system in view of Rahikainen and further modify using the disclosed smart card of Laborde so that the user can enter in data or preferences.

14. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Mizikovsky in view of Rahikainen and further in view of Feinber (Patent No. 5,598,456).

Mizikovsky and Rahikainen as applied to claim 8, fail to teach of using a home automation and security system and a TV system connected to the system. Feinber discloses of a security system wherein see the abstract and a TV system cable of receiving a plurality of stations (see column 3 lines 45-59). The components are connected to a home system wherein see also Figure 2.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mizikovsky's system in view of Rahikainen and further modify by adding a home security system and a TV system connected together so that TV can act as a display monitor for security system.

15. Claims 23 -25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fedorov in view of Mizikovsky.

Regarding claim 23. Fedorov as applied to claim 22 above fail to teach of using a voice processing system. Mizikovsky teaches of a voice processing system wherein see column 6 lines 51 - 68. Mizikovsky's system uses an answering machine and voice mail. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Fedorov by using the voice processing system of Mizikovsky so that the voice processing system can receive and store voice mails.



Regarding claim ~~24~~ and 25, Fedorov does not specifically teach of using a voice bridge and a router. Mizikovsky discloses the use of a voice bridge as shown in Figure 1. The voice mail system is connected to an audio and data processor transmitter. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify Fedorov's system by using the voice processing system and the voice bridge of Mizikovsky so voice messages can be stored and used by the user.

16. Claim 26 is rejected under 35 U.C.S. 103(a) as being unpatentable over Fedorov in view of Mizikovsky and further in view of Laborde. Fedorov and Mizikovsky as suggested above fail to teach of using a smart card. Laborde discloses of using a smart card that is connected to a processor (see column 5, lines 16-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fedorov's system by using the voice processing system and smart card of Mizikovsky's system in further view of Laborde and further modify so that voice mail and the users personal preferences can be stored.

17. Claims 27 -28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fedorov in view of Mizikovsky, and further in view of Laborde, and further in view of Feinber. Fedorov, Mizikovsky and Laborde, as applied to claim 26 above fail to teach of using a home security system and a TV system. Feinber discloses of a security system wherein see the abstract and a TV system cable of receiving a plurality of stations, wherein see column 3 lines 45-59. The components are connected to a home system wherein see also Figure 2. Therefore, it would have been obvious to modify Fedorov's system in view of Mizikovsky and further in view of Laborde and further modify adding a home security system and a TV system by Feinber so that all systems can be integrated together to provide easier use among the different embodiments.

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18. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fedorov in view of Mizikovsky and further in view of Laborde and further in view of Feinber and further in view of Rahikainen. Rahikainen discloses of using a wireless local loop connection wherein see the abstract. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fedorov's system in view of Mizikovsky and further in view of Laborde and Feinber and modify establishing a wireless loop connection of Rahikainen so that the entire home system can be connected by an more inexpensive method of connection.

19. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rahikainen in view of Mizikovsky in further in view of Laborde and in further view of Feinber. Rahikainen and Mizikovsky, as applied to claim 1 above further teach of a wireless transceiver having a switch that is connected to a demodulated output wherein see Figure 1. Rahikainen and Mizikovsky fail to teach of using a smart card for connecting a security and TV system to the disclosed system. Laborde discloses a smart card that is included in a controller. The interface allows data entry by the user. The system is routed to a transceiver wherein see Figure 2 and column 5 lines 16 - 26. Feinber discloses of a security system wherein see the abstract and a TV system cable of receiving a plurality of stations, wherein see column 3 lines 45-59. The components are connected to a home system wherein see also Figure 2. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mizikovsky and Rahikainen's system in further in view of Laborde and further modify by using the smart card system and security and TV system of Laborde and Feinber and further modify so that different embodiments can be connected together so all systems can be used together.

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20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Garfinkle (Patent No. 5,640,192). Garfinkle discloses of an interactive television system in which the television program and a computer program are integrated.

***Conclusion***

21. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications intended for entry)

Or:

(703) 308-6306 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington. VA, Sixth Floor (Receptionist).

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is (703) 308-6262. The examiner can normally be reached on Monday to Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. The fax phone number for this Group is (703) 308-6306.

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Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [fan.tsang@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Ovidio Escalante  
Examiner  
Group 2746  
July 13, 2000

  
FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2700